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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/689,611   | 10/22/2003  | Melchor D. Castellon | M5590.0010          | 4816             |
| 7590   | 08/24/2006  |                      | EXAMINER            |                  |
| DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP                               |             |                      | REDMAN, JERRY E     |                  |
| 41st Floor<br>1177 Avenue of the Americas<br>New York, NY 10036-2714 |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3634                |                  |

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                       |  |
|------------------------------|------------------------|-----------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b>   |  |
|                              | 10/689,611             | CASTELLON, MELCHOR D. |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>       |  |
|                              | Jerry Redman           | 3634                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 August 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4,7-11,13-16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4,7-11,13-16,19 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The status of the claims is as follows:

Claims 1-3, 5-6, 12-13, 17-18 have been cancelled; and

Claims 4, 7-11, 13-16, and 19-20 are herein addressed below.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 7-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sponable et al (5,782,038) in view of German patent No. DE 10057352 to Hopper. Sponable et al (5,782,038) discloses an assembly comprising a vehicle door (20) which includes an inner panel (the portion opposite of outer skin 20a), a window pane (24), a drive mechanism (64), a pair of U-shaped rails (24b and 24c) disposed on opposing edges of the inner panel of the door (20), an electric motor (76), two vertically disposed pulleys (66 and 68) connected to the inner panel and the window pane (24, at element 50), and a gear assembly (76a). Sponable et al (5,782,038) fails to disclose a lock assembly interconnected to the drive mechanism. German patent No. DE 10057352 to Hopper discloses a lock assembly attached to the vehicle drive mechanism. It would have been obvious to one of ordinary skill in the art at the time of

the invention to provide the assembly of Sponable et al (5,782,038) with a lock assembly interconnected to the drive mechanism as taught by German patent No. DE 10057352 to Hopper since this allows all of the working parts to be attached together and therefore installed as a single unit thereby decreasing the time it takes to install the window working mechanical parts as well as adjustments made on site during installation.

Claims 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Sponable et al (5,782,038) in view of German patent No. DE 10057352 to Hopper and further in view of Manual et al. (5,924,245). All of the elements of the instant invention are discussed in detail above except providing the cable to be tensioned by a spring(s). Manual et al. ('245) disclose a cable drive assembly having springs, which tension the cable. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cable assembly of Sponable et al (5,782,038) with springs to tension the cable as taught by Manual et al. ('245) since springs that tension a cable operated drive assembly prevents slack from building up in the cable drive during opening and closing of a window pane since the forces vary during opening and closing movements.

Applicant's arguments with respect to claims 4, 7-11, and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication should be directed to Jerry Redman  
at telephone number 703-308-2120.



Jerry Redman  
Primary Examiner